HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE G.V. SEETHAPATHY

WRIT APPEAL NO.877 OF 2006

BETWEEN

Bandaru Nageswara Rao.

.....

Appellant

And

The Special Deputy Collector (Tribal Welfare),
Bhadrachalam, Khammam District & others

.....Respondents

Counsel for the Appellant : Shri K.G. Kannabiran,
Senior Advocate

assisted by

Shri Mummaneni

Srinivasa Rao

Date: 07.09.2006

:: JUDGMENT ::

Per G.S. SINGHVI, CJ

This appeal is directed against order dated 06.06.2006 passed by the learned Single Judge in Writ Petition No.11865 of 2005.

Shri K.G. Kannabiran, learned Senior Advocate for the appellant relied on the provisions contained in Andhra Pradesh (Telangana Tribal Areas) Regulations, 1359 F (for short 'the Regulations') and argued that the order under appeal should be set aside because the provisions contained in the Regulations were not considered by the learned Single Judge.

In the context of the aforementioned argument, we enquired from Shri Kannabiran whether any argument based on the Regulations was raised before the learned Single Judge. In reply, the learned counsel fairly stated that no such point had been raised before the Single Bench.

In view of the above, we are not inclined to entertain the appeal at this stage and feel that it will be appropriate for the appellant to first apply for review of the order under challenge by pointing out that the order passed by Special Deputy Collector is sustainable in view of the provisions contained in the Regulations.

Hence, the appeal is dismissed with liberty to the appellant to seek review of the order under challenge.

Needless to say that if the learned Single Judge declines the appellant's prayer for review, then he shall be at liberty to file appeal against the original order as well as the order which may be passed in the review petition.

As a sequel to dismissal of the appeal, W.A.M.P.No.1815 of 2006 filed by the appellant for interim relief is also dismissed.

G.S. SINGHVI, CJ

G.V. SEETHAPATHY, J

07.09.2006
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